

Remarks

Applicant has taken note of the grounds for rejection set forth in the outstanding Official action and in view thereof has amended the claims in the manner set forth above.

The following amendments have been made which, in applicants view, remove the relevance to the cited reference, in particular Ignacio.

In response to the Examiner's comments with respect to the term "comprising", in claim 1 this term has been amended to read "consisting essentially of" and thus excludes extraneous critical components.

Furthermore, the polymers suitable for use in the present invention, have been limited to a selection of those originally listed in claim 10. Such polymers are nowhere disclosed or suggested in the principal reference

In view of the amendment to claim 1 claims 7-8 and 10-12 and 14 are surplus and have been cancelled. The dependency of claim 9 has been appropriately amended.

The presence of the term "paper" in claim 32 was an inadvertent typographical error and has been removed

Claim 42 has been brought into line with Claim 1, but now specifically recited the preferred forms of sterilization plasma.

For the reasons given above with respect to earlier claims dependent on claim 1, claims 43 and 45 have been cancelled and the dependency of claim 44 appropriately changed.

The Examiner points out that Ignacio discloses water soluble resins. That is correct, but the resins neither suggest nor disclosed the polymers listed in the claims as presently amended.

The polyester disclosed at Col 3 line 56 through Col. 4 line 10 is a terephthalate ester, as is that disclosed at Col 10 lines 1-10 which is neither water soluble nor dispersible. The other polymers disclosed at that point in Ignacio are also not water soluble or dispersible.

Applicant repeats his comments with respect to the cited references made in the previous response having considered the Examiner's comments relating thereto.

As to the Examiner's comments as to plasma (Col.5 line 55) is a remark too vague to constitute a suggestion, certainly with respect to the present claims. Furthermore the term "may" is ambiguous. It could be used in the form of a statement of knowledge of a fact or in the implied meaning of "perhaps". It any event it is submitted that this sentence does to rise to the standards required by 35 USC 103.

Hence it is respectfully submitted that Ignacio cannot be maintained as a reference against the present invention. Thus a rejection based thereon under 35 USC 102 (e) is untenable and should be withdrawn.

The rejection of Claims 22, 23 and 25 over Ignacio in view of Sato under 35 USC 103 is traversed

There is no need to consider Sato, since nothing in Sato would lead one skilled in the art to consider combining it with a plasma indicator. Sato is directed to steam sterilization. No one skilled in the art would consider its teachings with respect to plasma sterilization. Further since the plasma reference in Ignacio is vague and passing, there would be no suggestion or incentive to consider a combination with Ignacio either. Thus the rejection based on such a combination of references must be withdrawn

The rejection of Claims 9-14, 36, and 45-47 over Ignacio in view of Battles under 35 USC 103 is traversed

It is respectfully submitted that there is nothing in Battles which would lead one skilled in the art to consider it with respect to a PLASMA sterilization indicator. The whole thrust of the reference has to do with the removability of the indicator label after use so as to clog or inconvenience the process of laundering a container bag. Further, the reference is concerned primarily with sterilization of gowns and the like by gas or steam. Plasma would not be considered for such sterilization processes, neither is plasma disclosed or suggested in the reference. Thus the reference neither stands on its own nor is combinable with the primary reference. The rejection over Ignacio in view of Battles should therefore be withdrawn.

Thus the rejections under 35 USC 102 and 35 USC 103 are no longer tenable and should be withdrawn and the present application, containing the claims as amended should be promptly passed to issue.

Respectfully submitted,



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